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Amendment No. 2 to HB2106

**Ferguson
Signature of Sponsor**

AMEND Senate Bill No. 2014*

House Bill No. 2106

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-2107, is amended by adding the following new subsection:

(e)

(1) Notwithstanding any other provision of law or rules and regulations adopted pursuant to subsection (b) to the contrary, no person shall be issued a certificate to drive a school bus in this state who, within five (5) years of such person's request for such a certificate, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

(A) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(B) Vehicular assault as prohibited by § 39-13-106;

(C) Vehicular homicide as prohibited by § 39-13-213(a)(2);

(D) Aggravated vehicular homicide as prohibited by § 39-13-218; or

(E) Manufacture, delivery, sale or possession of a controlled substance as prohibited by § 39-17-417.

(2) If the request for a certificate to drive a school bus in this state occurs five (5) years or more after the date of any such conviction, the board of education, in its discretion, may issue the person such a certificate.

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SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 21, is amended by adding the following new section 49-6-2117:

Section 49-6-2217

(a) (1) Notwithstanding any other provision of law to the contrary, no private school as defined in § 49-6-3001(c)(3) or church related school as defined in § 49-50-801(a) shall employ or permit a person to drive a school bus in this state who, within five (5) years of such person's application to be employed or serve as a school bus driver, has been convicted in this state, or in any other jurisdiction pursuant to a law prohibiting the same conduct, of a violation of any of the following:

(A) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(B) Vehicular assault as prohibited by § 39-13-106;

(C) Vehicular homicide as prohibited by § 39-13-213(a)(2);

(D) Aggravated vehicular homicide as prohibited by § 39-13-218; or

(E) Manufacture, delivery, sale or possession of a controlled substance as prohibited by § 39-17-417.

(2) It shall be the responsibility of the private school or church related school to determine whether any person employed by such school to drive a school bus is in compliance with the provisions of this section.

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SECTION 3. Tennessee Code Annotated, Title 55, is amended by adding the following language as a new, appropriately designated section:

Section 55-__-__. In addition to the prohibition listed in § 71-3-507(e)(1)(A)(ii), no person who has been convicted of a violation of §§ 39-13-106, 39-13-213(a)(2), 39-13-218, 39-17-417 or 55-10-401 may, for a period of five (5) years after the date of such conviction be employed as, or serve as, a driver transporting children for a child care agency as defined in § 71-3-501.

SECTION 4. The department of human services is authorized to promulgate rules and regulations to effectuate the provisions of Section 2 of this act.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.